

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: David Quigley, Planning and Zoning Manager/ (954) 797-1075

PREPARED BY: Maria C Sanchez, Planner II

SUBJECT: Quasi Judicial Hearing, Variance Application: V 7-2-08/08-104/Oakes/5510 SW 54 Street/Generally located on the south side of SW 54 street and west of SW 55th Avenue.

AFFECTED DISTRICT: District 1

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: V 7-2-08, Oakes, 5510 SW 54 Street

REPORT IN BRIEF: The petitioner is requesting a variance from the Land Development Code, Section 12-81(A) that requires a minimum fifteen (15) feet side setback within the R-3, Low Density Dwelling District to accommodate a screened patio addition behind an existing single family residential unit. The proposed variance would allow a seven (7) foot encroachment into the required side yard setback on the petitioner's property.

PREVIOUS ACTIONS: n/a

CONCURRENCES:

At the September 10, 2008 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. DeArmas – yes; Ms. Turin – yes. **(Motion carried 5-0)**

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S):

Staff finds the application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Planning Report
Application: V 7-2-08/08-104/Oakes
Original Report Date: 9/2/08
September 12, 2008

Revision(s):

Name: Ronald Oakes
Address: 5510 SW 54 Street
City: Davie, Florida 33314
Phone: (954)587-3428

Background Information

Date of Notification: August 27, 2008 **Number** **of**
Notifications: 101

Petitioner's Request: A variance from the Land Development Code, Section 12-81(A), Conventional Single-Family Development Standards, for R-3, Low Density Dwelling District, FROM: the required fifteen (15) feet side setback TO: provide a side setback of eight (8) feet along the western property line.

Address: 5510 SW 54 Street

Location: Generally located on the south side of SW 54 street and west of SW 55th Avenue.

Future Land Use Plan Map: Residential 3 DU/AC

Existing Zoning(s): R-3, Low Density Dwelling District

Existing Use(s): Single-Family Home

Parcel Size: 7,291 square feet

Proposed Use(s): Existing single-family home with a room addition

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Vacant Parcel Residential 2 DU/AC	Special Classification
South:	Single-Family Home	Residential 3 DU/AC
East:	Single-Family Home	Residential 3 DU/AC
West:	Single-Family Home	Residential 3 DU/AC

Surrounding Zoning:

North: R-2, low Density Dwelling District
South: R-3, Low Density Dwelling District
East: R-3, Low Density Dwelling District
West: R-3, Low Density Dwelling District

Zoning History

Related Zoning History:

Records indicate that the existing Future Land Use Plan Map designation and Zoning classification was in place at the time of annexation.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-309), Land Development Code, review for variances.

Land Development Code (Section 12-24) (1)(3), Low Density Dwelling (R-3)) District: The R-3 District is intended to implement the three (3) dwelling per acre classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for low density dwelling districts in the Town.

Land Development Code (Section 12-81A): The development standards that govern the construction of single-family dwelling units in the Low Density Dwelling District. The R-3, Low Density Dwelling District requires the following minimums: lot area of 12,000 square feet, 100' minimum lot frontage, 30' front setback, 15' side setbacks, 25' rear setback, 35' maximum building height, and 40 percent maximum building coverage.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 9. This Planning Area is south of Griffin Road, east of SW 76 Avenue and west of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-family residential development.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

At the September 10, 2008 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. DeArmas – yes; Ms. Turin – yes. **(Motion carried 5-0)**

Exhibits

File Location: P&Z\Development Applications\Applications\V_Variance\V_08\V 7-2-08 Oakes

Exhibit 1 (*Justification Letter*)

July 2, 2008

Town Council
Town of Davie
c/o Building Division
6591 SW 45 Street
Davie, FL 33314

RE: Justification for Reason for Request
Land Development Code Section 12-309

Dear Sir or Madam:

I would like to request a variance to the R-3 Zoning in effect for my parcel of land located at 5510 SW 54 Street, Davie, FL 33314. At the time of purchase, this zoning was not in effect. As such, I had buyer's backed expectation to enclose the back porch to make additional living space in the future. I have owned this property since 1996.

I am currently interested in constructing the enclosure to add another bedroom, as my two young children have outgrown sharing one bedroom. My daughter is seven and my son is 11. I am a single parent, and with the state of the housing market, I am not in a position to sell my home to upgrade to a larger one. So, this upgrade is my only viable option.

Please take the following items under consideration of my request for the variance, to allow the addition to be within eight feet versus 15 feet from the property line:

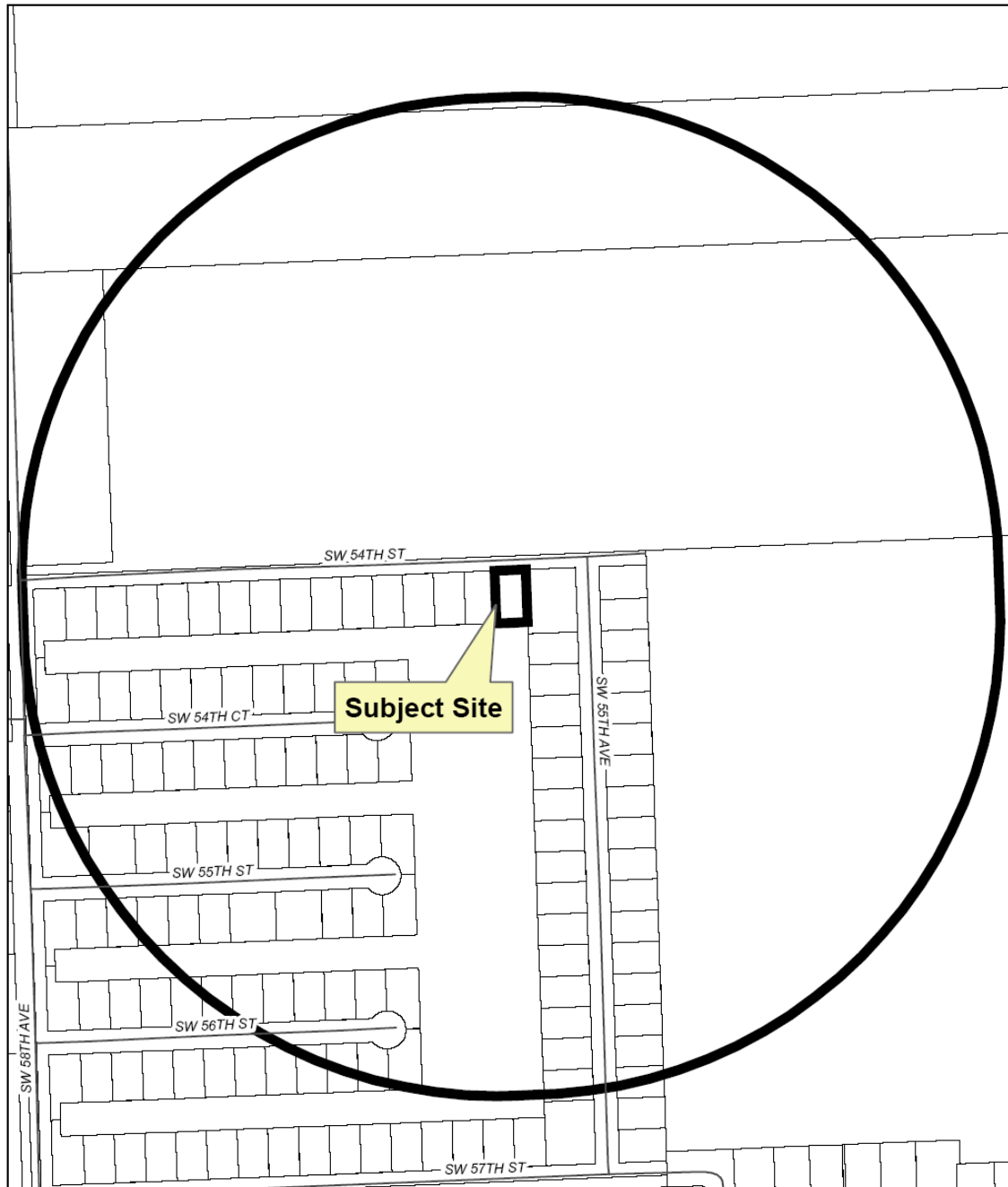
1. The enclosure will not increase the existing footprint of the home, and is aligned with the existing exterior wall that runs parallel to the property.
2. The existing wall is eight feet from the property line.
3. Since the enclosure is not increasing the footprint, it is also not increasing the impervious surface ratio of my parcel of land. Therefore, it will not adversely impact the flood retention capacity of the land, nor impact any of my neighbors land.
4. The roof already is in place, as part of the existing structure. Therefore, the enclosure will increase the structural integrity of the building, as there will not be as great a chance for uplift due to high winds (i.e., hurricane). This would in turn reduce the chance of flying debris from impacting neighboring properties.
5. I would imagine that this improvement would increase the value of my home, and possibly benefit the community property values.

Thank you for considering this request.

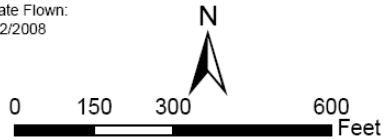
Sincerely,

Ronnie Oakes

Exhibit 3 (Mail-out Map)



Date Flown:
1/2/2008



Prepared by the Town of Davie GIS Division

Variance
V 7-2-08
1000 Foot Buffer

Prepared by: ID
Date Prepared: 8/12/08

Exhibit 3 (*Mail-out*)

V 7-2-08
Current Occupant
5431 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5441 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5451 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5461 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5471 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5481 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5491 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5501 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5511 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5521 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5531 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5341 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5601 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5611 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5600 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5550 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5530 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5520 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5510 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5500 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5490 SW 55 Ave
Davie, FL 33314

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Current Occupant
5480 SW 55 Ave
Davie, FL 33314

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5470 SW 55 Ave
Davie, FL 33314

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Davie, FL 33314

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5420 SW 55 Ave
Davie, FL 33314

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Current Occupant
5410 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5400 SW 55 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5620 SW 56 St
Davie, FL 33314

V 7-2-08
Current Occupant
5610 SW 56 St
Davie, FL 33314

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Current Occupant
5600 SW 56 St
Davie, FL 33314

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Current Occupant
5601 SW 56 St
Davie, FL 33314

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5611 SW 56 St
Davie, FL 33314

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Current Occupant
5621 SW 56 St
Davie, FL 33314

V 7-2-08
Current Occupant
5631 SW 56 St
Davie, FL 33314

V 7-2-08
Current Occupant
5641 SW 56 St
Davie, FL 33314

V 7-2-08
Current Occupant
5651 SW 56 St
Davie, FL 33314

V 7-2-08
Current Occupant
5701 SW 56 St
Davie, FL 33314

V 7-2-08
Current Occupant
5720 SW 55 St
Davie, FL 33314

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Davie, FL 33314

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5721 SW 55 St
Davie, FL 33314

V 7-2-08
Current Occupant
5731 SW 55 St
Davie, FL 33314

V 7-2-08
Current Occupant
5400 SW 58 Ave
Davie, FL 33314

V 7-2-08
Current Occupant
5751 SW 54 Ct
Davie, FL 33314

V 7-2-08
Current Occupant
5741 SW 54 Ct
Davie, FL 33314

V 7-2-08
Current Occupant
5731 SW 54 Ct
Davie, FL 33314

V 7-2-08
Current Occupant
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Davie, FL 33314

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Davie, FL 33314

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Davie, FL 33314

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Davie, FL 33314

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Davie, FL 33314

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5741 SW 54 Ct
Davie, FL 33314

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Davie, FL 33314

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V 7-2-08
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5720 SW 54 Ct
Davie, FL 33314

V 7-2-08
Current Occupant
5730 SW 54 Ct
Davie, FL 33314

V 7-2-08
Current Occupant
5740 SW 54 Ct
Davie, FL 33314

V 7-2-08
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5750 SW 54 St
Davie, FL 33314

V 7-2-08
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Davie, FL 33314

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Davie, FL 33314

V 7-2-08
Current Occupant
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Davie, FL 33314

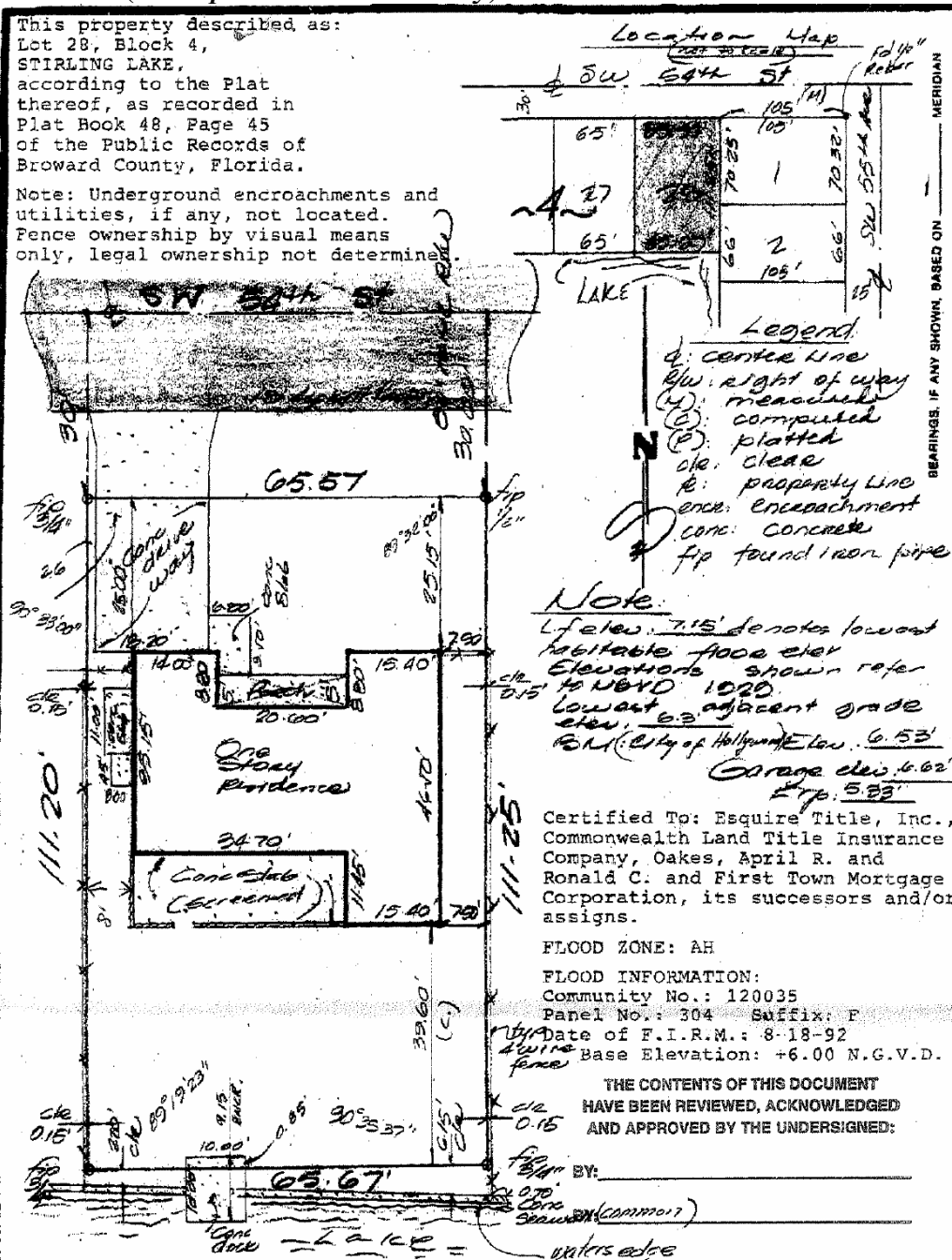
V 7-2-08
Current Occupant
5710 SW 54 St
Davie, FL 33314

V 7-2-08
Current Occupant
5700 SW 54 St
Davie, FL 33314

Exhibit 4 (*Conceptual Site Plan/Survey*)

This property described as:
Lot 28, Block 4,
STIRLING LAKE,
according to the Plat
thereof, as recorded in
Plat Book 48, Page 45
of the Public Records of
Broward County, Florida.

Note: Underground encroachments and utilities, if any, not located. Fence ownership by visual means only, legal ownership not determined.



Certified To: Esquire Title, Inc.,
Commonwealth Land Title Insurance
Company, Oakes, April R. and
Ronald C. and First Town Mortgage
Corporation, its successors and/or
assigns.

FLOOD ZONE: AH

FLOOD INFORMATION:

Community No.: 120035

Panel No.: 304 Suffix: F

Date of F.I.R.M.: 8-18-92

Base Elevation: +6.00 N.G.V.D.

THE CONTENTS OF THIS DOCUMENT
HAVE BEEN REVIEWED, ACKNOWLEDGED
AND APPROVED BY THE UNDERSIGNED:

7/21/44 BY:

PROPERTY OF: Oakes, April R. and Ronald C., 5510 S.W. 54th Street, Davie,

Florida 33314.
LANNES and GARCIA, INC.

ENGINEERS - LAND SURVEYORS - LAND PLANNERS

Office address: 359 Alcazar Avenue, Coral Gables, Florida 33134

Mailing address: P.O. Box 561131, Miami, Florida 33156

(305) 666-7909 (954) 523-8663

Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this drawing, sketch, plat or map is for informational purposes only and is not valid.

A BOUNDARY SURVEY

I hereby certify that the survey represented hereon meets the minimum technical standards set forth by the Board of Land Surveyors in chapter 61G12-6, Florida Administrative Code pursuant to Section 473.007, Fla. Statute. There are no encroachments, overlaps, easements appearing on the plat, other than as shown hereon.

Fl. Reg. Land Surveyor No. 4327
RENE AUGUSTINE

DATE: 01.29.96

SCALE
1" = 20'

DRAWN BY
OCB/

DRWG. NO
38401

EXISTING PARKWAY

EXISTING 5' CONC. SIDEWALK

EXISTING DRIVEWAY

EXISTING ONE STORY
C.B.S. RESIDENCE No. 5510

EXISTING
PORCH

AREA OF
INTERIOR
RENOVATION

Exhibit 5 (Future Land Use Map)



Date Flown:
1/2/2008



0 100 200 400 Feet

Prepared by the Town of Davie GIS Division

Variance
V 7-2-08
Future Land Use Map

Prepared by: ID
Date Prepared: 8/12/08

Exhibit 6 (Aerial, Zoning, and Subject Site Map)



Date Flown:
1/2/2008



Prepared by the Town of Davie GIS Division

Variance
V 7-2-08
Zoning and Aerial Map

Prepared by: ID
Date Prepared: 8/12/08